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IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION.NO. OF 2003

3472/03

BETWEEN

B.K.Gupta s/o Shri B.N. Gupta, aged about 58 years, Occup. Assistant Manager/Pratiniykti General Manager, Zila Sahakari Krishi Aur Gramin Vikas Bank Maryadit, Ambikapur, Tehsil: Ambikapur, Dist: Sarguja (C.G.)

PETITIONERS

AND

1- The State of Chhattisgarh,
Through the Secretary Department of Co-operative Societies
Chhattisgarh, D.K.S. Building, Raipur (C.G.)

2- The Registrar,
Co-operative Societies Chhattisgarh,
Labhandi, Raipur, Tehsil and District: Raipur (C.G.)

3- The Chairman,
Chhattisgarh Rajya Sahakari Krishi Aur Gramin Vikas Bank
Maryadit, 10-Sahakari Marg, Choubey Colony,
Tehsil and District: Raipur (C.G.)

4- The Managing Director,
Chhattisgarh Rajya Sahakari Krishi Aur Gramin Vikas Bank
Maryadit, 10-Sahakari Marg, Choubey Colony,
Tehsil and District: Raipur (C.G.)

5- Mr. M.P.Sharma,
Assistant Manager/Samkaksh Sakh Visheshgya Grade-2,
Chhattisgarh Rajya Sahakari Krishi Aur Gramin Vikas Bank
Maryadit, 10-Sahakari Marg, Choubey Colony,
Tehsil and District: Raipur (C.G.)

6- The Chairman,
Zila Sahakari Krishi Aur Gramin Vikas Bank, Ambikapur
Tehsil Ambikapur, District: Sarguja (C.G.)

RESPONDENTS

RECEIVED-COPY
29/X/03
G. Bilaspur
Clerk to A

Oath Commissioner

P. R. No. 3312/03
Signed by Shri R.U.Rao, Advocate
30.10.03

(2)

(4)

WRIT PETITION UNDER ARTICLE 226/227 OF CONSTITUTION OF INDIA

1. PARTICULARS OF THE PETITIONER

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HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION NO.3472 OF 2003

Petitioner : B.K.Gupta

versus

Respondents : The State of Chhattisgarh and others

Present : Mr. Rupesh Shrivastava, counsel for the petitioner.
Mr. Satish Gupta, Deputy Government Advocate for the State/respondents No.1 and 2.
Dr. N.K.Shukla, Senior Advocate with Mr. A.K.Yadav, counsel for respondents No.3 to 6.

ORDER

(Passed on 18th Day of January, 2007)

The petitioner, while working as General Manager in Zila Sahakari Krishi Aur Gramin Vikas Bank Maryadit, Ambikapur, District Surguja, retired on superannuation with effect from 31-10-2003. The Additional Registrar, Co-operative Societies, Chhattisgarh, Raipur, by a letter dated 6-10-2003 (Annexure P-5), just few days before retirement of the petitioner, wrote to respondent No.4 – the Managing Director, Chhattisgarh Rajya Sahakari Krishi Aur Gramin Vikas Bank, Raipur, granting approval to appoint the petitioner for one year after retirement on contract basis. It appears that, after obtaining approval of the Registrar, Co-operative Societies, Chhattisgarh, no appointment order,

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appointing the petitioner for a period of one year on contract basis was passed by the competent authority – respondent No.4. The petitioner was permitted to retire on superannuation without there being any order for appointment on contract basis.

2. The petitioner has filed this petition claiming employment on contract basis on the basis of the letter dated 6-10-2003 (Annexure P-5) of the Registrar, Co-operative Societies, Chhattisgarh to respondent No.4. On perusal of the said letter, it appears that approval for appointing the petitioner for one year on contract basis was granted, if, in the event, respondent No.4 decided to appoint the petitioner on contract basis.

3. Be that as it may, the petitioner does not have any right to appointment on contract basis when no appointment order was passed. The approval of the State Government for appointment does not confer any right on the petitioner to seek appointment on contract basis. Even otherwise, a person, appointed on contract basis, dehors the statutory rules and regulations, and has no right to the post.

4. According to learned counsel appearing for the petitioner, respondent No.4 has violated the order of the Registrar, Co-operative Societies, Chhattisgarh by not passing the order of appointment on contract basis in favour of the petitioner. In that event, the petitioner ought to have availed alternative remedy available under Section 55 of the Chhattisgarh Co-operative Societies Act, 1960 seeking compliance of the letter dated 6-10-2003 (Annexure P-5) before the Registrar itself.

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5. Looking from all angles, there is no merit in this case.

6. The petition is accordingly dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal